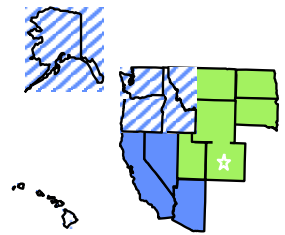




# US Army Environmental Center Western Regional Environmental Office REGION 8 – JULY 2005 **WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. Please contact your regional point of contact if any pending rules or laws in this document will have a significant impact on your operations. Please contact Bob Gurdikian at WREO, U.S. Custom House, 721 19<sup>th</sup> St., Room 427, Denver, CO 80202-2500; Phone: (303) 844-0952, or fax: (303) 844-0951.

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## **WREO Information About Monthly Reviews**

The Monthly Western Regional Reviews are available by e-mail distribution. If you would like to receive the Review in electronic format each month, please e-mail: [jmiller@rma.army.mil](mailto:jmiller@rma.army.mil). Write "Subscription" in the subject line and include your name and e-mail address.

The WREO's mission is to support the Army/DoD through coordination of regional environmental issues and activities. Part of its mission is to provide the regional reviews of legislative and regulatory issues to the Army/DoD in the Western Region. When used within the framework of ISO 14001, this Review can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO14001. This information is intended for general guidance, and the reader should review the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations. The information contained in this review is current as of the 20<sup>th</sup> day of the previous month.

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## FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



### ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

#### AIR INFORMATION:

**IMPLEMENTATION OF THE 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD - PHASE 1** – On May 26, 2005 ([70 FR 30591](#)), the federal Environmental Protection Agency (EPA) issued a final rule clarifying implementation of the 8-hour ozone national ambient air quality standard. The issues being addressed are: applicability of the Section 185 fee provisions once the 1-hour National Ambient Air Quality Standard (NAAQS) is revoked; and the timing for determining what is an "applicable requirement" for purposes of anti-backsliding once the 1-hour NAAQS is revoked. For more information, contact Lawrence Webber, United States Army Environmental Center (USAEC) at (410) 436-1213.

**PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND NON-ATTAINMENT NEW SOURCE REVIEW (NSR), EQUIPMENT REPLACEMENT PROVISION OF ROUTINE MAINTENANCE** – On June 10, 2005 ([70 FR 33838](#)), the EPA announced there are no additional changes necessary to the final rules regarding NSR programs mandated by Parts C and D of Title I of the Clean Air Act (CAA). The rules provide a category of equipment replacement activities that are deemed to be routine maintenance, repair and replacement activities and are therefore, not subject to major NSR requirements under the exclusion. The final action was effective on June 10, 2005. For more information, contact Lawrence Webber, USAEC, at (410) 436-1213.

**ADEQUACY DETERMINATION FOR THE SALT LAKE CITY AREA CARBON MONOXIDE MAINTENANCE STATE IMPLEMENTATION PLAN (SIP) FOR TRANSPORTATION CONFORMITY PURPOSES** – On May 31, 2005 ([70 FR 30946](#)), the EPA announced that the motor vehicle emissions budget for 2019 in the Salt Lake City, Utah Carbon Monoxide Maintenance Plan, that was submitted by the Utah Governor on October 19, 2004, is adequate for transportation conformity purposes. This finding is effective June 15, 2005. For more information, contact Lawrence Webber, USAEC, at (410) 436-1213.

**EXTENSION OF THE DEFERRED EFFECTIVE DATE FOR 8-HOUR OZONE NAAQS FOR EARLY ACTION COMPACT AREAS** – On June 8, 2005 ([70 FR 33409](#)), the EPA announced it is proposing to extend the deferral of the effective date of air quality designations for certain areas of the country that have entered into Early Action Compacts. In the designation rule, EPA deferred the effective date of the nonattainment designation for 14 areas that had entered into Early Action Compacts. The current effective date is September 30, 2005. The EPA is now proposing to extend the deferral of the effective date for all 14 Early Action compact areas until December 31, 2006. Comments must be received on or before July 8, 2005. For more information, contact Lawrence Webber, USAEC, at (410) 436-1213.

**WATER INFORMATION:**

None.

**WASTE INFORMATION:**

**ADDITION OF DIISONONYL PHTHALATE TO COMMUNITY RIGHT-TO-KNOW TOXIC CHEMICAL RELEASE REPORTING** – On June 14, 2005 ([70 FR 34437](#)), the EPA announced a public comment period for a revised hazard assessment for diisononyl phthalate (DINP). The EPA had initially issued a proposed rule in 2000 to add DINP to the list of toxic chemicals subject to the reporting requirement under the Emergency Planning and Community Right to Know Act (EPCRA). For more information, contact Craig Peters, USAEC, and (410) 436-1226.

**METHODS INNOVATION RULE AND SW-846 FINAL UPDATE** – On June 14 2005 ([70 FR 34537](#)), the EPA announced it is amending a variety of testing and monitoring requirements in the Resource Conservation and Recovery Act (RCRA) hazardous and non-hazardous solid waste regulations and for certain Clean Air Act (CAA) regulations that relate to hazardous waste combustors. These amendments allow more flexibility when conducting RCRA-related sampling and analysis by removing a requirement to use the SW-846 method in conducting various testing and monitoring and by limiting required uses of an SW-846 method to circumstances where the method is the only one capable of measuring the particular property (i.e., the method is used to measure a required method-defined parameter). The final rule becomes effective on July 14, 2005. For more information, contact Mark Ditmore, USAEC, at (410) 436-1231.

**MODIFICATION OF THE HAZARDOUS WASTE MANIFEST SYSTEM** – On June 16, 2005 ([70 FR 35034](#)), the USEPA announced it is correcting errors that appeared in the Hazardous Waste Manifest Final Rule, which was published in the Federal Register on March 4, 2005 (70 FR 10776). This final rule does not create new regulatory requirements. This final rule is effective September 6, 2005. For more information, contact Michael Eck, USAEC, at (410) 436-1265.

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**OTHER FEDERAL INFORMATION**

**REPORT ON MILITARY TRAINING RANGES** – The Government Accountability Office has issued a report on military training ranges entitled, "Military Training: Better Planning and Funding Priority Needed to Improve Conditions of Military Training Ranges." This report discusses: the condition of military training ranges and their impact on training activities; and what factors are affecting DOD's progress in improving training range conditions. The report can be found at <http://www.gao.gov/new.items/d05534.pdf>.

**MISCELLANEOUS AMENDMENTS TO HAZARDOUS MATERIALS REGULATIONS** – on June 13, 2005 ([70 FR 34066](#)), the United States Department of Transportation announced a final rule amending the Hazardous Materials Regulations by incorporating miscellaneous changes. The final rule updates, clarifies or provides relief from certain regulatory requirements. The effective date of these amendments is August 12, 2005. For more information, contact Michael Eck, USAEC, at (410) 436-1265.



## UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

EVENT	DATE	LOCATION	DETAILS
<b>Proponent-Sponsored Engineer Corps Training (PROSPECT) Survey</b>	N/A	Online	PROSPECT is surveying for training needs for FY06. See <a href="http://pdsc.usace.army.mil/downloads/FY06Survey.pdf">http://pdsc.usace.army.mil/downloads/FY06Survey.pdf</a> . The training catalog, called the Purple Book, is also available at <a href="http://pdsc.usace.army.mil">http://pdsc.usace.army.mil</a> .
<b>DSMOA Training</b>	N/A	Online	The training, presented by the Air Force Center for Environmental Excellence (AFCEE) Web University is designed to provide information needed for the project manager to successfully execute the DoD and State Memorandum of Agreement Program. <a href="https://webu.brooks.af.mil/webu/secure/onlinecourse.asp">https://webu.brooks.af.mil/webu/secure/onlinecourse.asp</a>
<b>USDA Forest Service Continuing Education Program</b>	October 2004–September 2005	Multiple Sites	During Fiscal Year 2005 (October 2004–September 2005), the Watershed, Fish, Wildlife, Air, and Rare Plants staff at the USDA Forest Service are scheduling continuing education programs for natural resource professionals. For a complete listing of class schedules and dates, please see: <a href="http://www.fs.fed.us/biology/education">www.fs.fed.us/biology/education</a> .
<b>USEPA Community Involvement Conference and Training</b>	July 12-15, 2005	Buffalo, NY	The theme of the conference is "Building Bridges Through Strong Partnerships". <a href="http://www.epancic.org/2005/overview.cfm">http://www.epancic.org/2005/overview.cfm</a>
<b>2005 Watershed Management Conference</b>	July 19-22, 2005	Williamsburg, VA	Sponsored by the American Society of Civil Engineers and the Environmental and Water Resources Institute. The theme for the conference is "Managing Watersheds for Human and Natural Impacts: Engineering, Ecological, and Economic Challenges". <a href="http://www.asce.org/conferences/watershedmanagement2005/">http://www.asce.org/conferences/watershedmanagement2005/</a>
<b>2005 Integrated Training Area Management Workshop</b>	August 1-4, 2005	Indianapolis, IN	The 14 <sup>th</sup> annual workshop offers information on the Army's sustained use of training and testing lands. <a href="https://srp.army.mil/public/workshop/14th/14thworkshop.aspx">https://srp.army.mil/public/workshop/14th/14thworkshop.aspx</a>
<b>Environmental Regulations-Practical Application</b>	August 8-12, 2005	Omaha, NE	This course is designed to further the student's understanding and ability to apply the technical requirements of various major federal environmental regulations. For more information, contact the Professional Development Support Center Registrar at the Training Center at (256) 895-7425. Course Control Number – 398 Course Number 33MEC01A.
<b>Introduction to Cultural Resource Management Laws and Regulations</b>	August 17-19, 2005	Seattle, WA	This three-day course, offered by the Civil Engineer Corps Officers School, provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. <a href="https://www.cecos.navy.mil/coursedetail.cfm?courseid=25">https://www.cecos.navy.mil/coursedetail.cfm?courseid=25</a>
<b>2<sup>nd</sup> Sustainable Range Management Conference &amp; Exhibition</b>	August 22-25, 2005	San Antonio, TX	This conference is designed to facilitate exchange of information among stakeholders concerned with how military ranges and training areas can be used to test and evaluate weapons systems and train DoD personnel without conflicting with economic, environmental, and safety concerns. <a href="http://www.rangecon.org">www.rangecon.org</a>
<b>National Registry of Environmental Professionals Annual Conference</b>	October 17-20, 2005	Las Vegas, NV	This year's theme is "Success Express." The conference will present case histories and programs on a wide variety of environmental topics. <a href="http://www.nrep.org">www.nrep.org</a> .

EVENT	DATE	LOCATION	DETAILS
Brownfields 2005	November 2-4	Denver, CO	Learn about brownfields cleanup, redevelopment, and reuse. Sponsored by the USEPA and the International City/County Management Association. <a href="http://www.brownfields2005.org/en/index.aspx">http://www.brownfields2005.org/en/index.aspx</a>

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## STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



## COLORADO

### REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

#### AIR INFORMATION:

**REVISION TO CLASS I VISIBILITY SIP** – The Colorado Department of Public Health and Environment (CDPHE) has revised Regulation 3, Part B, Section XLF, Class I visibility SIP long-term strategy pertaining to Phase I of EPA's visibility protection program. The Air Quality Control Commission (AQCC) is required to review and revise, if appropriate, the long-term strategy every three years. The amendments became effective on March 2, 2005. The revisions, along with other approved 2004 SIP revisions, have been submitted to USEPA for approval. For more information, contact Dan Ely at (303) 692-3228.

**REGULATION 5, GENERIC EMISSIONS TESTING** - The CDPHE has repealed Regulation 5, Generic Emissions Testing. The repeal is effective March 30, 2005. For more information, contact Kirsten King at (303) 692-3111. Notice of the repeal is available at <http://www.cdphe.state.co.us/op/aqcc/aqccdown/Feb05mins.pdf>.

**AMENDMENT OF REGULATION 12, EMISSIONS TESTING** – The CDPHE Air Quality Control Commission (AQCC) has adopted amendments to Regulation 12, Reduction of Diesel Emissions. The amendments change the emissions testing requirement from annual to biennial and revise obsolete provisions as well as typographical and grammatical errors. The amendments became effective on May 30, 2005. For more information, contact Douglas Lempke at (303) 692-3478. The revised regulation is available at <http://www.cdphe.state.co.us/op/regs/airregs/100115aqccreductiondieseemissions.pdf>.

#### WATER INFORMATION:

**DEVELOPMENT OF TMDLS FOR CLEAR CREEK** – The CDPHE has released draft total maximum daily loads (TMDLs) for Clear Creek. The water quality goal for the segment of Clear Creek is attainment of the Cold Water Class 1 Aquatic Life classification, specifically so that the current trout populations are protected from adverse chronic and acute effects of zinc and copper. Segment 2 of Clear Creek will be listed as impaired but the TMDL will not be submitted to USEPA until 2008. For more information, contact Eric Oppelt at (303) 692-3608.

**GUIDANCE GOVERNING THE SEDIMENT IMPACTS TO AQUATIC LIFE IN STREAMS AND RIVERS** – The CDPHE has adopted guidance concerning sediment deposition impacts to aquatic life in streams and rivers. The guidance document focuses on the application of "expected conditions" with respect to aquatic life classification, nutrient criteria, and narrative sediment standard issues. The Water Quality Control Commission (WQCC) approved the document as "final" with an expiration date of May 31, 2007. For more information, contact Christy Pickens at (303) 692-3584.



**REVISED WATER QUALITY STANDARDS FOR NORTH PLATTE RIVER AND UPPER COLORADO RIVER BASIN**

– The WQCC has proposed amendments to the classifications and numeric standards for the North Platte River and Upper Colorado River Basin. This includes revisions to the water quality standards for Segments 5 and 7 of the Eagle River. The segments under consideration have experienced significant water quality improvements as a result of Superfund remedial actions undertaken at the Eagle Mine Site. A hearing scheduled for February 2005 has been postponed until December 12, 2005. See

<http://www.cdphe.state.co.us/op/wqcc/WQClassandStandards/Regs33-37/contorder33.pdf>. Prehearing statements are due October 6, 2005. For more information, contact Diana Glaser at (303) 692-3469. General information on the basin plan is available at <http://www.cdphe.state.co.us/op/wqcc/WQClassandStandards/Regs33-37/Regs33-37.html>.

**2004 303(D) LIST OF IMPAIRED WATERS AND LISTING CRITERIA** – The CDPHE adopted its listing methodology for the 2004 303(d) list of impaired waters. The federal EPA has taken final action on the list. For more information, contact Phil Hegeman at (303) 692-3518. The letter detailing the EPA final action is at

[http://www.cdphe.state.co.us/op/wqcc/SpecialTopics/303\(d\)/2004\\_CO303dListActionFinalDecisionLetter.pdf](http://www.cdphe.state.co.us/op/wqcc/SpecialTopics/303(d)/2004_CO303dListActionFinalDecisionLetter.pdf).

**LISTING METHODOLOGY FOR DEVELOPMENT OF 2006 SECTION 303(D) LIST OF IMPAIRED WATERS**

– The CDPHE has adopted updates to the 303(d) listing methodology to be used for development of the 2006 Colorado Section 303(d) list of impaired waters still requiring TMDLs and an accompanying 2006 Monitoring and Evaluation List. The 2006 listing methodology was adopted at a hearing held on May 9, 2005. For more information, contact Phil Hegeman at (303) 692-3500.

**DEVELOPMENT OF THE 2006 303(D) LIST** – The CDPHE is discussing the development of the 2006 303(d) list. The list is composed of waterbodies where applicable surface water quality uses and standards are not attained. Comments are due August 1, 2005. For more information, contact Phil Hegeman at (303) 692-3500.

**AMENDMENTS TO MANAGEMENT AND CONTROL OF DESIGNATED GROUND WATER**

– The Ground Water Commission (GWC) proposed a rule applied to designated ground water within designated ground water basins in Colorado and would have facilitated implementation of water conservation programs through the recognition of permanent surrender of future water rights in exchange for qualification in the Natural Resources Conservation Service (NRCS) Environmental Quality Incentives Program (EQIP). The rule was not adopted by the GWC and has been withdrawn. For more information, contact Hal Simpson at (303) 866-3587.

**TRIENNIAL REVIEW OF CHATFIELD RESERVOIR CONTROL REGULATION** – The WQCC is performing a triennial review to consider revisions to Regulation 73, the Chatfield Reservoir Control Regulation. A rulemaking hearing to consider revisions to this regulation is scheduled for October 11, 2005. For more information, contact Diana Glaser at (303) 692-3469.

**REGULATION 65, TRIENNIAL REVIEW FOR DISCHARGE TO STORM SEWERS**

– The WQCC is proposing revisions to Regulation 65 that would clarify that a permit is required for all discharges into a storm sewer other than pollutants found in naturally occurring stormwater runoff. The amendments are scheduled to be heard at public hearing on July 11, 2005. For more information, contact David Akers at (303) 692-3591. The draft rule is available at

[http://www.dora.state.co.us/pls/real/SB121\\_Web.Show\\_Rule?p\\_rule\\_id=1106](http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=1106).



**AMENDMENTS TO THE WATER QUALITY STANDARDS FOR YAMPA RIVER SEGMENTS**

– The CDPHE adopted amendments to the water quality standards for Yampa River Segments 13d and 13e, in the Classifications and Numeric Standards for Upper Colorado River Basin and North Platte River (Planning Region 12). The amendments correct errors made in the 1999 Basin rulemaking. The corrections remove trout standards that are not applicable to warm water streams. The CDPHE adopted the revisions at a public hearing held on June 13, 2005. For more information, contact Jerry Raisch at (303) 443-6151.

**WASTE INFORMATION:****AMENDMENTS TO UPDATING COMMISSION FEES TO REFLECT 2005-2006 FISCAL YEAR**

– The CDPHE is proposing to amend 6 CCR 1007-3 Section 6.04 to reflect fiscal year 2005-2006. The amendments would not change the Hazardous Materials and Waste Management Commission fees. A hearing was held on June 21, 2005. For more information, contact Laurie Perila at (303) 692-3467.

**OTHER INFORMATION:**

**LIQUEFIED PETROLEUM GAS** – The Colorado Department of Labor and Employment (CDLE) adopted liquefied natural gas regulations. The regulations would: adopt nationally recognized codes and standards; add or clarify terminology; add or clarify the duties of liquefied petroleum gas (LPG) facility owners, delivery drivers, and certain users; and improve the clarity of the state LPG program. The CDLE adopted the revisions at a public hearing held on May 31, 2005. The amended rules have an effective date of August 1, 2005. For more information, contact Susan DeMeules at (303) 318-8510.

**PROPOSED AMENDMENTS TO SMALL GAME REGULATION** – The Colorado Department of Natural Resources (DNR) is proposing amendments to the state small game regulations. The amendments would update the season dates for pheasant and quail to the 2005-2006 season. Additionally, amendments to the greater prairie chicken season have been made to increase hunter participation. Lastly, amendments have been proposed to the TIPS (Turn in Poachers) program to clarify its intent. The DNR will hold a public hearing on the proposed amendments on July 15, 2005. Comments are due on July 15, 2005. For more information, contact Brett Ackerman at (303) 291-7278. The proposed changes are available at [http://www.dora.state.co.us/pls/real/SB121.Download\\_file?p\\_file=F26604/Ch3%20Small%20Game.doc](http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F26604/Ch3%20Small%20Game.doc)

**PROPOSED AMENDMENTS TO WATERFOWL REGULATION** – The DNR is proposing amendments to the state waterfowl regulations. The amendments would: add certain species to the list of regulated waterfowl; update hunting season opening and closing dates; change certain bag limits; and revise the location of certain hunting areas. The DNR will hold a public hearing on the proposed amendments on July 14, 2005. Comments are due on July 14, 2005. For more information, contact Brett Ackerman at (303) 291-7278. The proposed changes are available at [http://www.dora.state.co.us/pls/real/SB121.Download\\_file?p\\_file=F27433/Ch5%20Waterfowl.doc](http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F27433/Ch5%20Waterfowl.doc)

**LEGISLATIVE DEVELOPMENTS**

A summary of environmental bills considered by the State Legislature is listed below. Underlined text contains information included since the last published Region Review. The 2005 legislative session began on January 12, 2005 and ended on May 9, 2005. For information on the 2005 legislative session, link: <http://www.leg.state.co.us/>.

**COLORADO HB 1070 – WATER** – Proposes to invalidate restrictive covenants that prohibit or limit the use of xeriscape landscaping or that require cultivated vegetation to include turf grass; prohibit landscape irrigation at public facilities between the hours of 7 a.m. and 7 p.m.; and create an exception to the definition of abandonment of a water right for periods of nonuse that are caused by the implementation of bona fide water conservation efforts as determined on a case-by-case basis by the state engineer. The bill was introduced and referred to the Agriculture, Livestock, and Natural Resources Committee on January 14, 2005. The bill passed the House on February 14, 2005. The bill was introduced and referred to the Senate Agriculture, Natural Resources and Energy Committee on February 15, 2005. The bill passed Committee on March 16, 2005. The bill passed the Senate on March 29, 2005. The House concurred with the Senate on April 8, 2005. The Governor vetoed the bill on May 31, 2005. The sponsor is Representative Paul Martin Weissmann (D).  
[http://www.leg.state.co.us/CLICS2005a/csl.nsf/fsbillcont3/5073304186E889D787256F5C006722F5?Open&file=1070\\_01.pdf](http://www.leg.state.co.us/CLICS2005a/csl.nsf/fsbillcont3/5073304186E889D787256F5C006722F5?Open&file=1070_01.pdf)

**COLORADO HB 1126 – SOLID WASTE** – Proposes to require waste haulers to transport waste tires only to a waste tire storage site and register with the CDPHE. The bill was introduced and referred to the House Transportation and Energy Committee on January 17, 2005. The bill was referred to the Appropriations Committee on February 9, 2005. The bill was signed by the Governor on June 1, 2005. The sponsor is Senator Mike May (R).  
[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/A745E223DCE1C5E987256F390070BED1?Open&file=1126\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/A745E223DCE1C5E987256F390070BED1?Open&file=1126_01.pdf)

**COLORADO HB 1177 - WATER CONSERVATION** – Proposes to create a 25-member committee to negotiate interbasin compacts to promote the equitable use of the state's waters. The bill was introduced and referred to the Agriculture, Livestock and Natural Resources Committee on January 20, 2005. The bill passed on February 28, 2005 and was referred to the Appropriations Committee. The bill passed the Appropriations Committee on March 18, 2005. The bill passed the House on March 30, 2005. The bill was referred to the Senate Agriculture, Natural Resources, and Energy Committee on April 1, 2005. The bill was reported from Committee and referred to the Appropriations Committee on April 14, 2005. The bill was reported from the Appropriations Committee on April 22, 2005. The bill was signed by the Governor on June 7, 2005. The sponsor is Representative Joshua Penry (R).  
[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/3F94A053189A6DE587256F6A0080FFA9?Open&file=1177\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/3F94A053189A6DE587256F6A0080FFA9?Open&file=1177_01.pdf)

**COLORADO HB 1230 - LAND USE** – Proposes to increase the maximum and minimum amount of the civil penalty imposed for violation of a county zoning or building code ordinance. The bill was introduced and referred to the Committee on Local Government on February 4, 2005. The bill was reported from Committee on February 22, 2005 and passed the House on March 2, 2005. The bill was introduced and referred to the Senate Local Government Committee on March 7, 2005. The bill was reported from Committee on March 22, 2005. The bill passed the Senate on March 30, 2005. On April 8, 2005, the House concurred with the Senate amendments. The bill was signed by the Governor on June 3, 2005. The sponsor is Representative Paul Martin Weissmann (D).  
[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/442CA15F6F06015B87256F89007F3C16?Open&file=1230\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/442CA15F6F06015B87256F89007F3C16?Open&file=1230_01.pdf)

**COLORADO HB 1254 - WATER CONSERVATION** – Proposes to establish a water efficiency grant program to provide funding over a 3-year period to aid in achieving the water efficiency goals outlined in locally adopted water conservation plans and in promoting the benefits of water efficiency. The bill was introduced and referred to the Committee on Local Government on

February 3, 2005. The bill was referred to the Appropriations Committee on February 22, 2005. The bill passed the Appropriations Committee on March 18, 2005. The bill passed the House on March 30, 2005. The bill was referred to the Senate Local Government Committee on April 1, 2005. The bill was reported from Committee and sent to the Appropriations Committee on April 12, 2005. The bill passed the Senate on May 3, 2005. The bill was signed by the Governor on June 7, 2005. The sponsor is Representative Tom Plant (D).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/ACD325B9EAA9488D87256F3A006AFE4D?Open&file=1254\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/ACD325B9EAA9488D87256F3A006AFE4D?Open&file=1254_01.pdf)

**COLORADO HB 1290 - ALTERNATIVE FUELS** – Proposes to maintain the amount of the tax credit for the purchase of low-emitting vehicles using alternative fuels, which would otherwise be reduced in the year 2006, until the year 2009. The bill also proposes that hybrid vehicles and inherently low-emission vehicles may be operated on a publicly financed toll highway or toll lane without payment of a toll. The bill was introduced and referred to the Transportation & Energy Committee and the Finance Committee on February 11, 2005. The bill passed both committees and was referred to the Appropriations Committee on March 1, 2005. The bill was reported from Committee on April 7, 2005. The bill passed the House on April 15, 2005 and was referred to the Senate Finance Committee on April 20, 2005. The bill passed the Senate on May 6, 2005. The Governor signed the bill on June 1, 2005. The sponsor is Representative John V. Pommer (D).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/D153999B5462412087256F9C008144DA?Open&file=1290\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/D153999B5462412087256F9C008144DA?Open&file=1290_01.pdf)

**COLORADO SB 141 – WASTE DISPOSAL** – Proposes to prohibit the land disposal of lead-acid batteries and establish a collection system and recycling program for batteries. The bill was introduced and referred to the Senate State, Veterans, and Military Affairs Committee on January 31, 2005. The bill passed the Senate on March 29, 2005 and was referred to the House Health and Human Services Committee on March 31, 2005. The bill was reported from Committee on April 25, 2005 and passed the House on May 2, 2005. The bill was signed by the Governor on June 3, 2005. The sponsor is Senator Steve Johnson (R).

[http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/6DB4C362EC1C0E4487256F7E0066EA9E?Open&file=141\\_01.pdf](http://www.leg.state.co.us/CLICS2005A/csl.nsf/fsbillcont3/6DB4C362EC1C0E4487256F7E0066EA9E?Open&file=141_01.pdf)

**COLORADO SB 186 ENDANGERED SPECIES** – Proposes to appropriate money to the operating accounts of the species conservation trust fund for programs submitted by the Executive Director of the Department of Natural Resources that are designed to conserve native species that have been listed as threatened or endangered under state or federal law. The bill was introduced and referred to the Senate Agriculture, Natural Resources and Energy Committee on February 11, 2005. The bill was referred to the Appropriations Committee on February 17, 2005. The amended bill passed the Senate on March 28, 2005 and was referred to the House Appropriations Committee on April 6, 2005. The bill was reported from Committee and passed the House on April 26, 2005. The bill was signed by the Governor on June 1, 2005. The sponsor is Senator Jim Isgar (D).

[http://www.leg.state.co.us/CLICS2005a/csl.nsf/fsbillcont3/B62F3E561F6F14C687256F96006AD438?Open&file=186\\_01.pdf](http://www.leg.state.co.us/CLICS2005a/csl.nsf/fsbillcont3/B62F3E561F6F14C687256F96006AD438?Open&file=186_01.pdf)

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## MONTANA

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### REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

#### AIR INFORMATION:

None.

#### WATER INFORMATION:

**BITTERROOT HEADWATERS TMDL** – The DEQ is preparing a water quality assessment and TMDL for the Bitterroot headwaters. The TMDL has been delayed and is now scheduled for submittal to the EPA in summer 2005. For more information, contact Greg Mathieus at (460) 444-6697. The draft assessment and TMDL are available at

<http://www.deq.state.mt.us/wqinfo/TMDL/TMDLDrafts/BitterrootHeadwaters/BitterrootHeatwatersDraft.pdf>.

#### WASTE INFORMATION:

None.

### LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began on January 3, 2005 and ended on April 21, 2005. For information on the 2005 legislative session, link: <http://www.leg.state.mt.us>.

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## **NORTH DAKOTA**

### **REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION**

#### **AIR INFORMATION:**

None.

#### **WATER INFORMATION:**

None.

#### **WASTE INFORMATION:**

None.

#### **OTHER INFORMATION:**

**AMENDMENT TO ADMINISTRATIVE RULES RELATING TO ANHYDROUS AMMONIA REGULATIONS** – The North Dakota Department of Agriculture (DOA) has adopted amendments to the administrative rules relating to anhydrous ammonia regulations. The changes update the current regulations to meet current American National Standards Institute and OSHA standards. The final rules have been published in the North Dakota Administrative Rules with an effective date of July 1, 2005. For more information, contact Gary Wagner at (701) 328-1501. The final rules are available at <http://www.state.nd.us/lr/information/acdata/pdf/7-12-01.pdf>

### **LEGISLATIVE DEVELOPMENTS**

The 2005 legislative session began on January 4, 2005 and ended on April 29, 2005. For information on the 2005 legislative session, link: <http://www.state.nd.us/lr/>.

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## SOUTH DAKOTA

### REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

#### AIR INFORMATION:

None.

#### WATER INFORMATION:

**SYLVAN LAKE TMDL** – The South Dakota Department of Environment and Natural Resources (DENR) has developed a TMDL for Sylvan Lake in the Cheyenne River Basin. The possible criteria pollutants for this TMDL are based on the water's trophic state index. Comments were due on June 6, 2005. For more information, contact Gene Stueven at (605) 773-3296. The draft TMDL is available at

[http://www.state.sd.us/denr/DFTA/WatershedProtection/TMDL/TMDL\\_SylvanLake.pdf](http://www.state.sd.us/denr/DFTA/WatershedProtection/TMDL/TMDL_SylvanLake.pdf).

**DESIGNATION OF BENEFICIAL USES FOR WATERBODIES IN FIVE BASINS** – The DENR has undertaken a beneficial use analysis for the following waterbodies (proposed beneficial uses are listed in parentheses): Minnesota River Tributaries including Labolt Creek (semi permanent fish life and limited contact recreation); Big Sioux River Basin including Skunk Creek, West Pipestone Creek and Big Ditch Creek (all warm water marginal fish life and limited contact recreation); Cheyenne River Basin including Beaver Creek (coldwater permanent fish life and limited contact recreation); Belle Fourche River Basin including Redwater and Rubicon Gulch Creeks (coldwater permanent fish life and limited contact recreation); and Vermillion River Basin including Blind Creek (warm water marginal fish life and limited contact recreation). The DENR will hold a public hearing on July 6, 2005 to consider public comments on the proposed beneficial uses. Written comments are due July 5, 2005. For more information, contact Patrick Snyder at (605) 773-4729.

#### WASTE INFORMATION:

None.

#### OTHER INFORMATION:

**UPDATES TO THE STATEWIDE NOXIOUS WEED LIST** – The South Dakota Department of Agriculture (DOA) has added Salt Cedar and removed Field Bindweed from the statewide noxious weed list. The amendments were reviewed by the Legislative Rules Committee and were filed with the Secretary of State on May 9, 2005. The amendments became effective on May 29, 2005. For more information, contact Ron Moehring at (605) 773-3796.

### LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began on January 11, 2005 and ended March 22, 2005. For information on the 2005 legislative session, link: <http://legis.state.sd.us/index.cfm>.

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## UTAH

### REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

#### AIR INFORMATION:

**ATTAINMENT DESIGNATION FOR PM 10 AND SO<sub>2</sub>** – The Utah Department of Environmental Quality (DEQ) is proposing revisions to the PM 10 Maintenance Plan to align it with existing rules. All areas of Utah formerly designated "non-attainment" pursuant to the CAA, including metropolitan Salt Lake City, are now in attainment for PM 10. Accordingly, the State is undergoing a revision of the PM 10 SIP to reflect this redesignation. Numerous other revisions are proposed to align existing rules with the PM 10 maintenance plan. Final adoption is anticipated at a July 6 2005 meeting. The DEQ is also seeking a SIP revision to designate Salt Lake County and Tooele County above 5600 feet as attainment for SO<sub>2</sub>. These are the only remaining Utah SO<sub>2</sub> non-attainment areas. New maintenance revisions for SO<sub>2</sub> were approved and are being submitted to EPA for final approval. For more information, contact Colleen Delaney at (801) 536-4248.

**FEDERAL DEFINITION OF VOLATILE ORGANIC COMPOUND** – The DEQ is considering the incorporation of the new federal definition of "volatile organic compound" (VOC) into Utah rules. The proposed revisions would include exemptions from the VOC definition added to the federal rule late in 2004 and includes a list of substances that will no longer be classified as VOCs. A rule adoption is anticipated for July 6, 2005 with an effective date of July 7, 2005. For more information, contact Jan Miller at (801) 536-4042. The current VOC definition is available at <http://www.rules.utah.gov/publicat/code/r307/r307-101.htm#T2>.

#### WATER INFORMATION:

**TMDLS** – The DEQ is preparing TMDLs. Please see table below for location, criteria pollutants, and comments regarding development. The DEQ is addressing comments and will submit final TMDLs to the EPA by the end of May 2005. For more information, contact Harry Judd at (801) 538-6047.

Water Body	Criteria Pollutant	Comments
Spirit Lake	Dissolved oxygen	Water body was delisted.
Strawberry Reservoir	Dissolved oxygen	Available for public review and comment. Comments were due April 22, 2005. <a href="http://waterquality.utah.gov/TMDL/Strawberry_study.pdf">http://waterquality.utah.gov/TMDL/Strawberry_study.pdf</a> <a href="http://waterquality.utah.gov/TMDL/Strawberry_Reservoir_Draft_TMDL.pdf">http://waterquality.utah.gov/TMDL/Strawberry_Reservoir_Draft_TMDL.pdf</a> <a href="http://waterquality.utah.gov/TMDL/Strawberry_Reservoir_Draft_TMDL_Appendix.pdf">http://waterquality.utah.gov/TMDL/Strawberry_Reservoir_Draft_TMDL_Appendix.pdf</a>
Tony Grove Lake	Dissolved oxygen	TMDLs are currently under development.



Utah Lake	Phosphorus and dissolved oxygen	A public hearing was scheduled on May 20, 2005.
Escalante River	Temperature	Available for public review and comment. Comments were due April 15, 2005. <a href="http://waterquality.utah.gov/TMDL/Escalante%20Study.pdf">http://waterquality.utah.gov/TMDL/Escalante%20Study.pdf</a> <a href="http://waterquality.utah.gov/TMDL/Draft_Escalante_TMDL.pdf">http://waterquality.utah.gov/TMDL/Draft_Escalante_TMDL.pdf</a>
Paria River	Total dissolved solids	Available for public review and comment. Comments were due April 15, 2005. <a href="http://waterquality.utah.gov/TMDL/Paria%20Study.pdf">http://waterquality.utah.gov/TMDL/Paria%20Study.pdf</a> <a href="http://waterquality.utah.gov/TMDL/Draft_Paria_TMDL.pdf">http://waterquality.utah.gov/TMDL/Draft_Paria_TMDL.pdf</a>
Silver Creek	Cadmium and zinc	The TMDLs have been completed and approved by the USEPA. <a href="http://waterquality.utah.gov/TMDL/Silver_creek.htm">http://waterquality.utah.gov/TMDL/Silver_creek.htm</a>
Pineview Reservoir	Temperature, dissolved oxygen, and total phosphorus	<a href="http://waterquality.utah.gov/TMDL/pineview.htm">http://waterquality.utah.gov/TMDL/pineview.htm</a>

**ONSITE WASTEWATER SYSTEMS** – The DEQ is discussing possible amendments to the Onsite Wastewater Systems Rules. The DEQ plans to repeal the existing "alternative" methods and replace them with new, clearer methodologies that will better delineate responsibilities between the DEQ and local and state health agencies. The DEQ also expects to add five new technologies to the rules. A public hearing is anticipated in late July 2005. For more information, contact Kiran Bhayani at (801) 538-6080.

**AMENDMENTS TO THE GROUND WATER CLASSIFICATION OF THE NAVAJO/KAYENTA AND UPPER ASH CREEK AQUIFERS** – The DEQ is considering a petition by the Washington County Water Conservancy District to classify ground water in a designated portion of the Navajo/Kayenta Aquifer in Washington County and the Upper Ash Creek Aquifer in Lower Iron County as Class 1A and Class II. Comments were due on June 17, 2005. For more information, contact Bill Damery at (801) 538-6146.

### WASTE INFORMATION:

None.

### LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began January 17, 2005 and ended March 2, 2005. For information on the 2005 legislative session, link: <http://www.le.state.ut.us/>.

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## WYOMING

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### **REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION**

#### **AIR INFORMATION:**

##### **PROPOSAL TO AMEND AIR QUALITY RULES REGARDING GENERAL AIR PERMITS –**

The Wyoming Department of Environmental Quality (DEQ) is proposing to add a new section to the Wyoming air quality rules that would allow for the issuance of general permits for non-major stationary sources. The new rule sets forth the requirements for obtaining a general permit for the construction, modification, and operation of a non-major source. The DEQ held a public hearing to consider the proposed changes on June 30, 2005. For more information, contact Tina Anderson at (307) 673-9337. The proposed regulations are available at

<http://deq.state.wy.us/aqd/prop/Ch6Sec8draft5-30-05.pdf>.

#### **WATER INFORMATION:**

**AMENDMENTS TO SURFACE WATER STANDARDS** – The DEQ is preparing to amend its water quality standards as part of the State's triennial review. The DEQ continues to review comments received and make revisions to the draft amendments. The second draft is anticipated for release in fall 2005, at least 45 days prior to the advisory board meeting. For more information, contact Bill DiRienzo at (307) 777-7081. The draft documents are available at

<http://deq.state.wy.us/wqd/surfacestandards/index.asp>.

**GROUNDWATER QUALITY** – The DEQ has adopted amendments that update the standards for classifying groundwater as suitable for (Class 1) domestic use and revise language related to in situ mining in order to align the regulations with statutory requirements. The final rules were approved by the Governor on April 26, 2005 and became effective as of that date. They were filed with the Secretary of State on May 3, 2005. For more information, contact Kevin Frederick at (307) 777-7781. The final regulations are available at

<http://soswy.state.wy.us/RULES/5804.pdf>.

**WATERSHED BASED PERMITTING** – The DEQ is discussing the development of a watershed based permitting process for the Willow Creek and Pumpkin Creek watersheds. Among the issues being addressed in this process are the beneficial uses of the watershed, water quality objectives, total estimated volumes of produced water from wellheads in the watershed, and channel capacity. Meetings were held on June 14 and 15, 2005. For more information, contact Todd Parfitt at 307-777-6709.

**RECLASSIFICATION OF AN UNNAMED TRIBUTARY AND AN ISOLATED CHANNEL** – The DEQ is proposing to reclassify an unnamed tributary to Poison Spider Creek in the North Platte River Basin and an isolated channel and wetland in the Great Divide Basin. The result of these reclassifications will be to remove the aquatic life designation from the associated drainages. The DEQ accepted comments on the proposed reclassification through May 31, 2005. For more information, contact Bill DiRienzo at (307) 777-7081.

**FY 2005 SECTION 319 FUNDING PRIORITIZATION** – The DEQ is discussing the prioritization of project proposals for fiscal year 2005 funding under Section 319 of the Clean Water Act. The DEQ held a public meeting on June 1, 2005. For more information, contact Bill DiRienzo at (307) 777-7081.

**AMENDMENTS TO CROSS CONNECTION AND BACKFLOW PREVENTION RULES FOR PUBLIC WATER SUPPLY DISTRIBUTION SYSTEMS** – The DEQ is proposing to amend Chapter 12, Section 14 regarding the cross connection and backflow prevention rules for public water supply distribution systems. The amendments would allow residential and domestic non-residential service connections to be exempt from the requirement to install backflow devices to provide premises containment if certain conditions are met. The Water and Waste Advisory Board met on June 28, 2005 to accept comments on the proposed amendments. For more information, contact Lou Harmon at 307-777-7088. The rulemaking website is available at <http://deq.state.wy.us/wqd/www/crossconnection.asp>.

### **WASTE INFORMATION:**

**VOLUNTARY REMEDIATION PROGRAM (VRP)** – The DEQ is in the process of establishing and implementing a VRP as directed by the Wyoming Legislature. The DEQ has developed draft guidance. The voluntary remediation statute requires the DEQ to enact pollution prevention (P2) regulations. The P2 draft regulations have been delayed and are now anticipated for presentation to the advisory board in fall 2005. Final rule adoption is not expected until mid-2006. For more information, contact Carl Anderson at (307) 777-7753.

**AMENDMENTS TO THE VRP FACT SHEETS** – The DEQ is proposing amendments to the VRP Fact Sheets. Changes are proposed for sheets 3, 11, 12, 14, 19, 20 and 21. Sheets 22 and 23 are being resubmitted. The fact sheets provide guidance on the VRP process. No timeline for completion of the revisions has been posted. Fact sheets 24-30 may be proposed for amendment in 2005. For more information, contact David Finley at (307) 777-7752. Copies of the fact sheets are available at <http://deq.state.wy.us/volremedi/index.asp>.

**HAZARDOUS WASTE MANAGEMENT** – The DEQ is discussing amendments that redefine "spent material" from the mineral processing industry; clarify when mixtures consisting of certain excluded waste (commonly referred to as Bevill wastes) and listed hazardous wastes would be regulated; and amend provisions that implement cleanup. The amendments are expected to be presented to the Environmental Quality Council in the second quarter of 2005. For more information, contact Carl Anderson at (307) 777-7753.

**REVISION OF STORAGE TANK REGULATIONS** – The DEQ is proposing amendments to regulations regarding leak prevention for storage tanks. These amendments will update the requirements for underground tanks and new regulations on regulated above ground storage tanks. These rules affect only regulated underground and above ground storage tanks. A hearing date before the Environmental Quality Council is expected in summer 2005. No hearing date has been set for consideration of the amendments. For more information, contact Robert Lucht at (307) 777-7095.

## **LEGISLATIVE DEVELOPMENTS**

The 2005 legislative session began January 11, 2005 and ended March 4, 2005. For information on the 2005 legislative session, link: <http://legisweb.state.wy.us>.

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